

AO 91 (Rev. 02/09) Criminal Complaint

**UNITED STATES DISTRICT COURT**

for the  
Western District of Arkansas

**U.S. DISTRICT COURT  
WESTERN DIST ARKANSAS  
FILED**

**SEP 25 2018**

**DOUGLAS F. YOUNG, Clerk**  
By

United States of America )

v. )

Jose Anibal Perez )

Case No. **5:18 MJ-5036-001**

Defendant

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 09/17/2018 in the county of Benton in the Western District of Arkansas, the defendant violated Title 8 U. S. C. § 1326(a)

, an offense described as follows:

Illegal re-entry of an alien previously arrested and removed/deported who was knowingly found in the United States, without obtaining the consent of the Attorney General and/or the Secretary of Homeland Security of the United States for admission into the United States, as required by law.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.



Complainant's signature

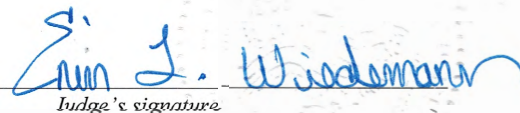
Robert Franklin, Deportation Officer, ICE

Printed name and title

Sworn to before me and signed in my presence.

Date:

9/25/18



Judge's signature

City and state:

Fayetteville, Arkansas

Erin L. Wiedemann, U.S. Magistrate Judge

Printed name and title

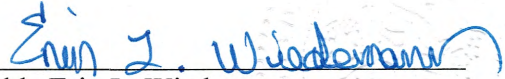
## AFFIDAVIT

1. I, Robert Franklin, am a Deportation Officer with the United States Immigration and Customs Enforcement (ICE). I am currently assigned to the Office of Enforcement and Removal, in Fayetteville, Arkansas.
2. Part of my duties involves conducting criminal investigations concerning violations of the Immigration and Nationality Act, which includes illegal re-entry into the United States.
3. I am personally familiar with all the facts and circumstances surrounding this investigation from my own investigative activities and from information obtained from other law enforcement agencies. However, this affidavit is being submitted for a criminal complaint and does not contain each and every fact known to me, but rather only the facts sufficient to establish probable cause.
4. On 09/17/2018, I encountered a SUBJECT believed to be an alien unlawfully in the United States at the Benton County jail. The SUBJECT was identified as Jose Anibal PEREZ, a citizen of El Salvador. PEREZ had been arrested by Rogers Police Department for driving while intoxicated. He provided biographical information consistent with that pertaining to alien registration number 095 045 893.
5. On 09/18/2018, Jose Anibal PEREZ was transported to the Fayetteville ICE Office. Upon arrival at the ICE office, he was fingerprinted on the Department of Homeland Security (DHS) Automated Biometric Identification System (IDENT) and Department of Justice (DOJ) Integrated Automated Fingerprint Identification System (IAFIS). A hit was obtained from IDENT pertaining to a Jose Anibal PEREZ with an alien registration number of 095 045 893. A hit was also obtained from IAFIS relating to FBI Number 62096LC7, which relates to a Jose Anibal PEREZ.
6. A review of alien registration file number 095 045 893 indicate that he had been arrested and removed from the United States on 01/05/2007, after having been convicted of felony transporting illegal aliens in the United States, in the United States District Court District of Vermont on 01/05/2007 and sentenced to time-served of 251 days with 24 months of supervised release.
7. ICE records do not reflect that Jose Anibal PEREZ sought permission from either the Attorney General and/or the Secretary of Homeland Security to reenter the United States prior to being encountered in the Western District of Arkansas on 09/17/2018.
8. Based on the facts above, I respectfully request that a warrant of arrest be issued for Jose Anibal PEREZ for a violation of 8 U.S.C. § 1326(a).
9. Further, Affiant sayeth not.



Robert Franklin  
Deportation Officer, ICE

Subscribed and sworn before me this 25th day of September, 2018.



Honorable Erin L. Wiedemann  
U.S. Magistrate Judge

